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Paper No. 20

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In re Patent No. 5,084,004
Issue Date: January 28, 1992
Application No. 07/449,942
Filed: December 29, 1999
Inventor: Claude Ranoux

DECISION ON PETITION

OCT 23 2000
OFFICE OF PETITIONS
A/C PATENTS

This is a decision on the renewed petition filed August 1, 2000 under 37 CFR 1.378(e) to accept the unavoidably delayed payment of the first and second maintenance fees for the above-identified patent.

The petition is **granted**.

In light of the showing of record, it is concluded that the delay was unavoidable in that reasonable care was taken to ensure that the maintenance fees would be timely paid. Accordingly, first and second maintenance fees are hereby accepted and the patent is reinstated.

With regard to payment of the first maintenance fee, petitioner provided a check in the amount of \$1,170.00 with the first petition filed February 18, 2000. While no maintenance fee breakdown was provided by petitioner, the following fees were due for the first maintenance fee: \$415.00 for the maintenance fee and \$700.00 for the surcharge under 37 CFR § 1.20(i)(1), for a total of \$1,115.00. Petitioner's check in the amount of \$1,170.00 thus exceeded the amount due by \$65.00. Petitioner apparently included the additional \$65.00 as payment for the surcharge under 37 CFR § 1.20(h) for delayed payment within 6 months. Petitioner is advised that payment of the surcharge under § 1.20(h) is not necessary when the surcharge under § 1.20(i)(1) has been paid.

The petition filed February 18, 2000 additionally included authorization to charge the second maintenance fee for this patent to his deposit account, which would have been due July 28, 1999 if the first maintenance fee had been paid. Accordingly, petitioner's deposit account no. 25-0120 has been charged \$950.00 for payment of the second maintenance fee, and has been credited the \$65.00 overpayment discussed in the preceding paragraph, for a net charge to the deposit account of \$885.00.

This file is being forwarded to the files repository.

Telephone inquiries concerning this decision may be directed to Robert Garrett at (703) 308-0763.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy